

# Notice of Allowability

Application No.

10/705,624

Examiner

Michael Trettel

Applicant(s)

FOGGETT ET AL.

Art Unit

3673

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS of /23/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 11/10/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/23/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Reasons For Allowance*

The following is an examiner's statement of reasons for allowance: Claims 1, 6, and 16 set forth an air bed and method of making in which a heating element integrated into a blanket is attached to an air mattress by means of a vinyl strip. The vinyl strip is attached to a peripheral edge of the blanket, and is also attached to the air mattress by being heat welded to a top vinyl layer of the air mattress. The air mattress is claimed as being made with at least a top and bottom vinyl layer and a gusset vinyl layer heat welded to peripheral edges of the top and bottom layers. This particular combination of feature is not shown or suggested in the prior art of record. The prior art shows the concept of attaching a blanket like layer with an integrated heating element to the top layer of a spring core type mattress, see the cited patents to Callaway et al (US 4,423,308) and Wagner (US 4,388,738) for details of such. In these patents the top layer is attached by a zipper type closure to the heating blanket, and not by a heat welded vinyl strip. In addition these patents are silent upon the use of the heating element in combination with an air mattress. McMahan et al (US 5,835,983) shows a blanket type heating element combined with integrated fluid filled bladders which is of general interest, however this device lacks several of the key structural elements referred to above and thus fails to anticipate or render obvious the claims. Burt (US 6,353,207) is the closest patent found relative to the claimed subject matter. In the Burt patent an air pad 70 (Figure 4) is shown as being formed by top and bottom plastic layers 72, 74 that are sealed around their peripheries to form a flange. A heating element in the form of a resistance type heating layer 76 is attached to the pad, although since Burt states that the layer 76 is overlaid (column 4, lines 48 to 55) the means of attachment is unclear. The Burt reference lacks the claimed gusset layer having a top and bottom edge

Art Unit: 3673

attached to the top and bottom layers of the inflatable pad, and also lacks the claimed vinyl strip used to attach the blanket to the top layer. Because these references fail to show or suggest these features the claims are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel  
Primary Examiner  
Art Unit 3673